

REMARKS

Claims 1-24 are presently pending in the application. Claims 1-22 have been amended to more particularly define the invention. Claims 23 and 24 have been added to assure Applicants the degree of protection to which their invention entitles them.

It is noted that the claim amendments are made only for assuring grammatical and idiomatic English and improved form under United States practice, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Rejection of the Claims

Claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Smith et al. (U.S. Patent No. 6,546,456). This rejection is respectfully traversed.

Smith has a filing date of September 8, 2000. The present application claims a priority date of April 24, 2000, before Smith's filing date. Submitted herewith are verified English language translations of the priority applications, thereby removing Smith as a reference against the present application.

Parenthetically, it is noted that in rejecting claims 3-15 and 17-22, the Office Action contends that the limitations of these claims are "inherent." The Examiner's attention is directed to the fact that inherency may not be established by probabilities or possibilities. *Scaltech, Inc. v. Retec/Tetra, L.L.C.*, 178 F.2d 1378, 51 U.S.P.Q. 2d 1055 (Fed. Cir., 1999). Thus, this rejection is improper.

The Objection to the Claims

The Office Action objects to the claims with the contention that "the claims are numbered in an inconsistency [*sic*] order." This objection is not understood. The original claims are numbered in sequence from 1 to 22, which is a consistent order. If this objection is repeated, the Examiner is requested to explain the basis for the objection in detail.

The Objection to the Drawings

The Office Action objects to the drawings with the contention that various items mentioned in the claims must be shown in the drawings. The objection states that the power supply, the vehicle, the tachometer, the vibration sensor, the sound sensor, the speed sensor, the gyro sensor, the parking brake sensor, the generator sensor, the starter motor sensor, and the engine must be shown. This objection is traversed, and reconsideration and withdrawal of it are requested.

As to the power supply, the Examiner's attention is directed to item 25 in Figure 5 and the related text at page 18, lines 15-18 of the specification. As to the tachometer, the vibration sensor, and the sound sensor, the Examiner's attention is directed to Figure 10 and the related text at page 28, line 18 to page 29, line 19 of the specification. As to the speed sensor, the gyro sensor, the parking brake sensor, the generator sensor, and the starter-motor sensor, the Examiner's attention is directed to sensor 16 in Figure 5 and to the related text at page 17, lines 18-22 of the specification.

As to the vehicle and the engine, 37 C.F.R. §1.83(a) states that the drawing must show every feature of the invention specified in the claims. The vehicle and the engine are not features of the invention specified in the claims. To make this even more clear, the claims have been amended to use "said" to refer back to elements of the claimed invention and to use "the" to refer back to environmental elements. The claims bring out that the claimed disk drive device is for use in a vehicle which has an engine, but the vehicle itself and the engine itself are not claimed as elements of the invention. They relate to the environment in which the invention is used and can be applied.

It is accordingly submitted that the objection to the drawings should be withdrawn.

Conclusion

In view of the foregoing, Applicant submits that claims 1-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

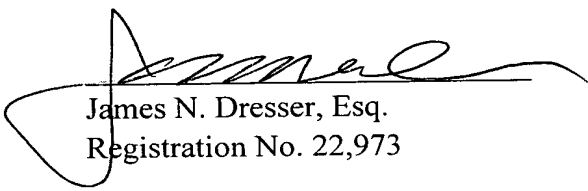
Serial No. 09/839,538
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To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. §1.136. The Commissioner is hereby authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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